

BEFORE THE DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the  
Accusation Against:

Dennis Eugene McBride, M.D.  
Certificate # A-41765

Respondent.

D-4235

DECISION

The attached Stipulation is hereby adopted by the Division of Medical Quality of the Medical Board of California as its Decision in the above-entitled matter.

This Decision shall become effective on March 18, 1991.

IT IS SO ORDERED February 15, 1991.

DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA

 for

THERESA CLAASSEN  
Secretary-Treasurer

1 JOHN K. VAN DE KAMP, Attorney General  
of the State of California  
2 RICHARD ARNOLD  
Deputy Attorney General  
3 455 Golden Gate Avenue, Room 6200  
San Francisco, California 94102  
4 Telephone: (415) 557-1339

5 Attorneys for Complaint

6 BEFORE THE  
DIVISION OF MEDICAL QUALITY  
7 MEDICAL BOARD OF CALIFORNIA  
8 STATE OF CALIFORNIA

9 In the Matter of the Accusation ) NO. 4235  
10 and Petition to Revoke Probation )  
Against: ) PROPOSED DECISION PURSUANT  
11 ) TO STIPULATION  
DENNIS EUGENE McBRIDE, M.D. )  
12 5443 Snyder Lane )  
Rohnert Park, CA 94928 )  
13 Certificate No. A041765 )  
14 Respondent. )

15  
16 IT IS HEREBY STIPULATED by and between Dennis Eugene  
17 McBride M.D., (hereafter "respondent"), by and through his  
18 attorney, Robert W. Stewart and Kenneth Wagstaff, Executive  
19 Director of the Medical Board of California, by and through his  
20 attorney John K. Van de Kamp, Attorney General, by Richard  
21 Arnold, Deputy Attorney General, as follows:

22 1. That respondent has received and read the  
23 Accusation and Petition to Revoke Probation which is presently on  
24 file and pending in Case No. D-4235 before the Medical Board of  
25 California (hereafter "the Board").

26 2. That respondent understands the nature of the  
27 charges alleged in the above-mentioned Accusation and Petition to

1 Revoke Probation as grounds constituting cause for disciplinary  
2 action and revocation of probation.

3           3. That respondent is fully aware of his right to a  
4 hearing on the charges and allegations contained in said  
5 Accusation and Petition to Revoke Probation, his right to  
6 reconsideration, to appeal and to any and all other rights which  
7 may be accorded him pursuant to the California Administrative  
8 Procedure Act, and that he hereby fully and voluntarily waives  
9 his right to a hearing, to reconsideration, to appeal and to any  
10 and all other rights which may be accorded him by the California  
11 Administrative Procedure Act with regard to said Accusation and  
12 Petition to Revoke Probation No. 4235.

13           4. That Kenneth Wagstaff, Complainant in the case as  
14 Executive Director of the Board, made and filed the Accusation  
15 and Petition to Revoke Probation in his official capacity as such  
16 and not otherwise. That the respondent's license history and  
17 status as set forth at paragraph two of the Accusation and  
18 Petition to Revoke Probation are true and correct.

19           5. That respondent admits the following:

20           a. On or about the period of September, 1989  
21 through December 1989, respondent caused seven prescriptions for  
22 Vicodin to be filled for his personal use by instructing office  
23 staff to telephone to pharmacies that said prescriptions were  
24 ordered by respondent's associate, for respondent as the named  
25 patient.

26           b. Respondent self prescribed, possessed and  
27 administered the Vicodin referred to above.

1 c. On or about August 23, 1989, respondent  
2 ordered Talacen from a pharmaceutical company and self-  
3 administered said drug.

4 d. On or about September 15, 1989, respondent  
5 ordered Lortab from a pharmaceutical company and self-  
6 administered said drug.

7 e. Respondent failed to maintain a record of the  
8 disposition of the drugs Talacen and Lortab referred to  
9 hereinabove.

10 6. That the admissions in paragraph 5 above constitute  
11 violations of conditions "c" and "d" of respondent's probationary  
12 order and Business and Professions Code sections 2234(e), 2238  
13 and 2239 and are, therefore, grounds for disciplinary action and  
14 revocation of probation.

15 7. That based on the foregoing recitals, IT IS HEREBY  
16 STIPULATED AND AGREED THAT the Board may issue a decision upon  
17 this stipulation whereby the Certificate No. A041765 issued to  
18 respondent by the Board is hereby revoked; provided, however,  
19 that execution of this order of revocation is stayed, and  
20 respondent is placed on probation for a period of five (5) years  
21 upon the following terms and conditions:

22 a. Respondent shall abstain completely from the  
23 personal use or possession of controlled substances as defined in  
24 the California Uniform Controlled Substances Act, and dangerous  
25 drugs as defined by section 4211 of the Business and Professions  
26 Code, or any drugs requiring a prescription.

27 / / /

1                   Orders forbidding respondent from personal use or  
2 possession of controlled substances or dangerous drugs do not  
3 apply to medications lawfully prescribed to respondent for a bona  
4 fide illness or condition by another practitioner.

5                   b. Respondent shall immediately submit to  
6 biological fluid testing, at respondent's cost, upon the request  
7 of the Division or its designee.

8                   c. Within 30 days of the effective date of this  
9 decision, respondent shall enroll and participate in the  
10 Division's Diversion Program until the Division determines that  
11 further treatment and rehabilitation is no longer necessary.  
12 Quitting the program without permission or being expelled for  
13 cause shall constitute a violation of probation by respondent.

14                  d. Respondent shall waive the confidentiality  
15 provisions of the Diversion Program specified in Business and  
16 Professions Code section 2355(b) to the Division for purposes of  
17 ensuring compliance and enforcement of this probationary order.

18                  e. Respondent shall report to the Division any  
19 instances of noncompliance with the Diversion Program.

20                  f. Within 30 days of the effective date of this  
21 decision, respondent shall submit to the Division for its prior  
22 approval the name of another physician who shall monitor  
23 respondent's practice with regard to substance abuse and shall  
24 provide periodic reports to the Division. If the monitor resigns  
25 or is no longer available, respondent shall, within 15 days, move  
26 to have a new monitor appointed through nomination by respondent  
27 and approval by the Division.

1                   g. Respondent shall obey all federal, state and  
2 local laws, and all rules governing the practice of medicine in  
3 California.

4                   h. Respondent shall submit quarterly declarations  
5 under penalty of perjury on forms provided by the Division,  
6 stating whether there has been compliance with all the conditions  
7 of probation.

8                   i. Respondent shall comply with the Division's  
9 probation surveillance program.

10                  j. Respondent shall appear in person for  
11 interviews with the Division's medical consultant upon request at  
12 various intervals and with reasonable notice.

13                  k. The period of probation shall not run during  
14 the time respondent is residing or practicing outside the  
15 jurisdiction of California. If, during probation, respondent  
16 moves out of the jurisdiction of California to reside or practice  
17 elsewhere, respondent is required to immediately notify the  
18 Division in writing of the date of departure, and the date of  
19 return, if any.

20                  l. Upon successful completion of probation,  
21 respondent's certificate will be fully restored.

22                  m. If respondent violates probation in any  
23 respect, the Division, after giving respondent notice and the  
24 opportunity to be heard, may revoke probation and carry out the  
25 disciplinary order that was stayed. If any accusation or  
26 petition to revoke probation is filed against respondent during  
27 probation, the Division shall have continuing jurisdiction until

1 the matter is final, and the period of probation shall be  
2 extended until the matter is final.

3 8. IT IS FURTHER STIPULATED AND AGREED THAT the terms  
4 set forth herein shall be null and void, and in no way binding  
5 upon the parties hereto, unless and until accepted by the Board.

6 DATED: Dec 11, 1990

7 JOHN K. VAN DE KAMP  
8 Attorney General  
9 of the State of California

10 Richard Arnold  
11 RICHARD ARNOLD  
12 Deputy Attorney General

13 DATED: Dec 6, 1990 Attorneys for Complainant

14 Robert W. Stewart  
15 ROBERT W. STEWART  
16 Attorney for Respondent

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I HEREBY CERTIFY that I have read this Proposed  
Decision Pursuant to Stipulation in its entirety; that my  
attorney of record has fully explained the legal significance and  
consequences thereof; that I fully understand all of same and IN  
WITNESS THEREOF, I affix my signature the 5<sup>th</sup> day of  
December, 1990, at ROHNERT PARK,  
California.

Dennis E. McBride MD  
DENNIS EUGENE McBRIDE, M.D.



1 JOHN K. VAN DE KAMP, Attorney General  
of the State of California  
2 RICHARD ARNOLD  
Deputy Attorney General  
3 455 Golden Gate Avenue, Room 6000  
San Francisco, California 94102  
4 Telephone: (415) 557-1339

5 Attorneys for Complainant

6 BEFORE THE  
DIVISION OF MEDICAL QUALITY  
7 MEDICAL BOARD OF CALIFORNIA  
8 STATE OF CALIFORNIA

9 In the Matter of the Accusation ) NO. D-4235  
10 and Petition to Revoke Probation )  
11 Against: ) ACCUSATION AND PETITION TO  
12 DENNIS EUGENE McBRIDE, M.D. ) REVOKE PROBATION  
13 5443 Snyder Lane )  
14 Rohnert Park, CA 94928 )  
Certificate No. A041765 )  
15 Respondent. )

16 Complainant, KENNETH WAGSTAFF, alleges that:

17 1. He is the Executive Director of the Medical Board  
18 of California of the State of California (hereafter the "Board")  
19 and makes and files this Accusation and Petition to Revoke  
20 Probation in his official capacity.

21 2. On June 10, 1985, Dennis Eugene McBride (hereafter  
22 "respondent") was issued Physician's and Surgeon's certificate  
23 no. A041765 by the Board. Said certificate was issued on a  
24 probationary status for five (5) years subject to specified  
25 conditions. Attached hereto and incorporated herein as Exhibit  
26 "A" is a true and correct copy of the Board's decision.

27 3. Business and Professions Code section 2234

1 provides, in part, that the Division of Medical Quality shall  
2 take action against any licensee who is charged with  
3 unprofessional conduct. Unprofessional conduct is defined  
4 therein to include violating or attempting to violate, directly  
5 or indirectly, or assisting in or abetting the violation of, or  
6 conspiring to violate, any provision or term of this Chapter  
7 (Business and Professions Code section 2000, et seq.).

8 Cause to Terminate Probation

9 4. Condition "C" of respondent's probationary order  
10 states:

11 "Except for in-patients in a hospital  
12 setting, which is a permissible situation,  
13 applicant shall not prescribe, administer,  
14 dispense, order or possess controlled  
substances listed in Schedules II and III as  
defined in the California Uniform Controlled  
Substances Act."

15 5. Condition "D" of respondent's probationary order  
16 states:

17 "Except when lawfully prescribed to him for  
18 an illness, applicant shall abstain  
19 completely from the personal use or  
20 possession of any drugs requiring a  
21 prescription, including controlled substances  
as defined in the California Uniform  
Controlled Substances Act, and dangerous  
drugs defined by section 4211, Business and  
Professions Code."

22 6. Respondent has violated conditions "C" and "D" of  
23 his probationary order as follows:

24 a. On or about the period of September, 1989  
25 through December 1989, respondent caused seven (7)  
26 prescriptions for Vicodin to be filled for his  
27 personal use by instructing office staff to

1 telephone to pharmacies that said prescriptions  
2 were ordered by Dr. Helene M. Spivak, respondent's  
3 associate, for respondent as the named patient.

4 b. Respondent self prescribed, possessed and  
5 administered the Vicodin referred to above.

6 c. On or about August 23, 1989, respondent  
7 ordered Talacen from a pharmaceutical company and  
8 self-administered said drug.

9 d. On or about September 15, 1989, respondent  
10 ordered Lortab from a pharmaceutical company and  
11 self-administered said drug.

12 7. Vicodin and Lortab are Schedule III controlled  
13 substances and Talacen is a Schedule IV controlled substance as  
14 specified in the California Uniform Controlled Substances Act.  
15 Said drugs are also "dangerous drugs" as specified in section  
16 4211 of the Business and Professions Code.

17 Cause For Disciplinary Action

18 8. Respondent is subject to disciplinary action  
19 pursuant to Business and Professions Code section 2234(e) as  
20 follows:

21 By means of the matters alleged in paragraphs 4, 5, 6  
22 a-d, and 7 above, respondent has committed an act of dishonesty  
23 or corruption.

24 9. Respondent is subject to disciplinary action  
25 pursuant to Business and Professions Code section 2238 in  
26 conjunction with Health and Safety Code section 11173 as follows:

27 By means of the matters alleged in paragraphs 4, 5, 6

1 a-d, and 7 above, respondent has obtained controlled substances  
2 by fraud, deceit, misrepresentation, or subterfuge.

3 10. Respondent is subject to disciplinary action  
4 pursuant to Business and Professions Code section 2238 in  
5 conjunction with section 4232 of said code as follows:

6 Respondent failed to maintain a record of the  
7 disposition of the drugs Talacen and Lortab referred to in  
8 paragraph 6.c and d above which are realleged herein.

9 11. Respondent is subject to disciplinary action  
10 pursuant to Business and Professions Code sections 2239 and 2238  
11 in conjunction with Health and Safety Code section 11170 as  
12 follows:

13 a. Paragraphs 6.a-d and 7 above are realleged  
14 herein.

15 b. Respondent used and administered to himself  
16 the drugs Vicodin, Talacen and Lortab.

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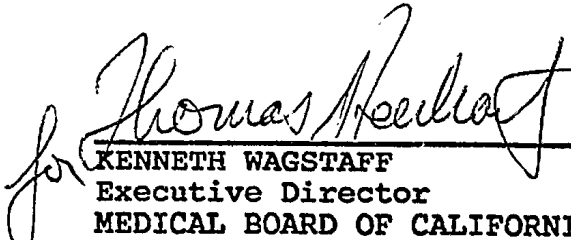
1           WHEREFORE, complainant prays that the Board hold a  
2 hearing on the matters alleged herein and following said hearing  
3 issue a decision:

4           1. Suspending or revoking the physician's and  
5 surgeon's certificate issued to respondent;

6           2. Revoking respondent's probation;

7           3. Taking such other and further action as the Board  
8 deems proper.

9 DATED:     May 18, 1990

10  
11             
12           KENNETH WAGSTAFF  
13           Executive Director  
14           MEDICAL BOARD OF CALIFORNIA  
15           State of California

16           Complainant

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# **EXHIBIT A**

STATE OF CALIFORNIA  
Board of Medical Quality  
Assurance  
I do hereby certify that  
this document is a true  
and correct copy of the  
original on file in this  
office.

BEFORE THE  
DIVISION OF LICENSING  
BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

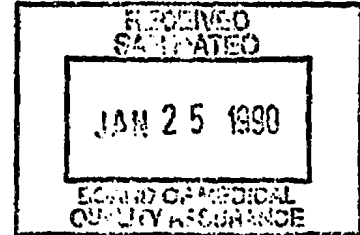
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TITLE

In the Matter of the )  
Application of: )

DENNIS EUGENE McBRIDE )

For a Physician's and )  
Surgeon's Certificate )

R-3



ORDER FOR PROBATIONARY CERTIFICATE

The attached Stipulation and Order is hereby  
adopted and approved by the Division of Licensing of the  
Board of Medical Quality Assurance as its order in the above  
entitled matter.

The effective date of this Order shall be

June 10, 1985.

SO ORDERED: June 10, 1985.

DIVISION OF LICENSING  
BOARD OF MEDICAL QUALITY ASSURANCE

By: *GALAL S. GOUGH, M.D.*  
GALAL S. GOUGH, M.D.  
President  
Division of Licensing

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BEFORE THE  
DIVISION OF LICENSING  
BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the	)	R-3
Application of:	)	
	)	
DENNIS EUGENE McBRIDE	)	STIPULATION FOR A
	)	PROBATIONARY CERTIFICATE
	)	
For a Physician's and	)	
Surgeon's Certificate	)	
	)	

Dennis Eugene McBride, a medical graduate applying for a physician's license, and Marc Grimm, Program Manager for Licensing, Division of Licensing, Board of Medical Quality Assurance hereby stipulate and agree as follows:

1. Under Section 2221, Business and Professions Code, the Division of Licensing, for cause constituting unprofessional conduct, may deny a physician's license to any applicant; or, in its sole discretion, the Division may issue a probationary license subject to terms and conditions.

2. Self-administration of controlled drugs, abusive use of dangerous drugs or alcohol, and violation of statutes regulating drugs are all causes constituting unprofessional conduct under sections 2239 and 2238, Business and Professions Code.

3. Applicant admits the Division of Licensing has valid cause to deny his application for a license because of drug and alcohol abuse, self-administration, and drug statute violations.

4. Applicant is fully aware of his right to request a hearing on a denial of a license. Applicant voluntarily waives his rights to a hearing and all other rights available to him under the Administrative Procedure Act. He further waives the right to petition the courts for judicial review.

5. Applicant has recently completed an eight week treatment program at the Naval Drug Rehabilitation Center in San Diego. He seeks to complete his residency in obstetrics and gynecology in a residency program in San Francisco.



6. The Board's staff has reviewed the matter and recommends Applicant for a probationary license. Therefore, it is hereby stipulated that the Division of Licensing may issue the following order:

ORDER

It is hereby ordered that Dennis Eugene McBride be issued a Physician's and Surgeon's Certificate on a probationary basis, subject to the following terms and conditions.

A. Applicant is placed on probation for five years beginning on the effective date of this order.

B. Applicant shall enroll and participate in a drug rehabilitation program, which shall be the Board's Diversion Program. Expulsion from this program for cause shall constitute a violation of probation. Applicant shall provide documentary evidence of continuing participation in this program in his quarterly reports to the Division.

C. Except for in-patients in a hospital setting, which is a permissible situation, Applicant shall not prescribe, administer, dispense, order or possess controlled substances listed in Schedules II and III as defined in the California Uniform Controlled Substances Act.

D. Except when lawfully prescribed to him for an illness, Applicant shall abstain completely from the personal use or possession of any drugs requiring a prescription, including controlled substances as defined in the California Uniform Controlled Substances Act, and dangerous drugs defined by Section 4211, Business and Professions Code.

E. Applicant shall abstain completely from the use of alcoholic beverages.

F. Applicant shall immediately submit to biological fluid testing, at Applicant's costs, upon the request of the Division or its designee.

G. Applicant shall submit quarterly declarations under penalty of perjury on forms provided by the Division, stating whether there has been compliance with all the conditions of probation.

H. Applicant shall comply with the Division's probation surveillance program.

I. Applicant shall appear in person for interviews with the Division's medical consultant upon request at various intervals and with reasonable notice.

J. In the event Applicant should leave California to reside or to practice outside the State, Applicant must notify the Division in writing of the dates of departure and return. Periods of residency or practice outside California will not apply to the reduction of this probationary period.

K. Upon successful completion of probation, Applicant's probationary certificate shall be converted to a regular certificate, free and clear of conditions and restrictions.

L. If Applicant violates probation, the Division, after giving Applicant notice and the opportunity to be heard, may terminate probation and revoke the probationary certificate. If an accusation or petition to revoke probation is filed against Applicant during probation, the Division shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

M. As used in this probationary order, the term "Division" means the Division of Medical Quality which has disciplinary jurisdiction over physician licensees under the Board of Medical Quality Assurance.

N. Section 2307, Business and Professions Code, setting forth the procedures for petitioning for modification of probationary orders, shall be applicable to Applicant.

This stipulation is null and void unless it is expressly approved and accepted by the Division of Licensing.

I agree with this stipulation and order.

April 5, 1985  
Date

Marc E. Grimm  
MARC GRIMM, Program Manager for  
Licensing

I agree with this stipulation and order.

April 19, 1985  
Date

Dennis Eugene McBride  
DENNIS EUGENE McBRIDE  
Applicant